

# Notice of Allowability

Application No.

10/782,249

Examiner

Jonathan R. Plante

Applicant(s)

STENFORT, ROSS

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 22 October 2007.
2. ☒ The allowed claim(s) is/are 1-4, 7-13 and 15-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
ALFORD KINDRED  
SUPERVISORY PATENT EXAMINER

### DETAILED ACTION

1. This Office Action is in response to the applicant's communication filed 22 October 2007 in response to PTO Office Action mailed 18 July 2007. The Applicant's remarks and amendments to the claims and/or the specification were considered with the results that follow.

#### **Specification Amendments**

2. Acknowledgement of receiving amendments to the specification, which were received by the Office on 22 October 2007. The amendments to the specification included paragraphs 0015, 0019, 0025, and 0028. The specification has been updated according to reflect amendments.

The objections to the specification have been withdrawn due to amendment filed on 22 October 2007.

#### **Claim Amendments**

3. Acknowledgment of receiving amendments to the claims, which were received by the Office on 22 October 2007. Claims 1-4, 7-13, and 15-20 are amended and Claims 5-6, 14, and 21 are cancelled there are no new claims.

The objections to the Claims have been withdrawn due to amendment filed on 22 October 2007.

**Claim Amendments - 35 USC § 112**

4. Acknowledgment of receiving amendments to the claims, which were received by the Office on 22 October 2007. Claims 1-4, 7-13, and 15-20 are amended and Claims 5-6, 14, and 21 are cancelled there are no new claims.

The 35 USC § 112 rejections to Claims 1-21 have been withdrawn due to amendment filed on 22 October 2007.

**Claim Amendments - 35 USC § 101**

5. Acknowledgment of receiving amendments to the claims, which were received by the Office on 22 October 2007. Claims 1-4, 7-13, and 15-20 are amended and Claims 5-6, 14, and 21 are cancelled there are no new claims.

The 35 USC § 101 rejections to Claims 15-21 have been withdrawn due to amendment filed on 22 October 2007.

**Response to Arguments**

6. Applicant's arguments, see section "Rejections under 35 U.S.C. 102" under "REMARKS/ARGUMENTS", filed 22 October 2007, with respect to independent Claims 1, 8, and 15 have been fully considered and are persuasive. The rejections of Claims 1-4, 7-13, and 15-20 have been withdrawn. Claims 5-6, 14, and 21 were cancelled.

**EXAMINER'S AMENDMENT**

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kenneth D. Wright (Reg. No. 53,795) on December 20, 2007.

8. The application has been amended as follows:
- a. (Claim 1, Line 8): Insert **"from another state machine"** after "device communication".
  - b. (Claim 1, Line 10): Insert **"independently from the first state machine"** after "state machine defined".
  - c. (Claim 8, Line 4): Insert **"separate from the first state machine"** after "a second state machine".
  - d. (Claim 8, Line 6): Insert **"and"** after "state machine".
  - e. (Claim 12, Line 5): Replace "other than" with **"other than"**.
  - f. (Claim 15, Line 5): Insert **"separate from the first state machine"** after "a second state machine".
  - g. (Claim 15, Line 7): Insert **"and"** after "state machine".

- h. (Claim 17, Line 4): Insert "**the**" after "to perform".
- i. (Claim 19, Line 6): Replace "other that" with "**other than**".

Authorization was not given for the examiner to amend the title of the application. The Examiner recommended amendment to the title to more accurately reflect the claim language and Applicant declined to make suggested changes. The Examiner again notes that a more accurate title is to the benefit of the Applicant concerning future art searches concerning future applications.

If Applicant decides to amend the title at a future time, Applicant is advised that an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

#### **Reasons for Allowance**

9. The following is an examiner's statement of reasons for allowance:

A first state machine performing device communication between one device and another device. A second state machine independent of the first state machine performing the same device communication simultaneously with the first state machine. The first state machine deviating from the device communication while the second state machine continues with the device communication. When the first state machine device completes deviation the first state machine obtains

status of device communication from second state machine and continues the device communication.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Plante whose telephone number is (571) 272-9780. The examiner can normally be reached on Monday -- Thursday 10:00 AM to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on (571) 272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

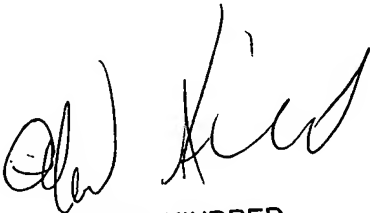
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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 20, 2007

/Jonathan R. Plante/  
Examiner Art Unit 2182



ALFORD KINDRED  
SUPERVISORY PATENT EXAMINER